XI-HC-22

(33)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

Cr. M. P. No. 232/2007

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

SB : HON'BLE SHRI DHIRENDRA MISHRA, J.

APPLICANT Kunjbihari, son of Pilalal Satnami, aged about 54 years, resident Santkuwar Ram Ward- Bhatapara (Shaher), Distt. (C.G.)

Vs.

NON-APPLICANTS

1. Dhummandas, son of Sirumal Gehadi, aged 65 years
2. Ashok son of Sudama Kingrani, aged 30 years
3. Gabbar Aary, son of Govindmal Sindhi, aged 22 years

All resident of Matadevalay Ward, Bhatapara, Thana Bhatapara (Shaher), Distt. Raipur

4. The State of Chhattisgarh, through District Magistrate, Raipur

8-8-2007

Shri Sanjay Agrawal, Advocate for the applicant.

By the instant petition under Section 482, the applicant has challenged the order dated 15-5-2007 passed in Criminal Revision No. 4/2007 whereby learned Additional Sessions Judge, Bhatapara has rejected the revision preferred by the applicant against the order dated 20-3-2007 passed by the Judicial Magistrate First Class, Bhatapara in Criminal Complaint No. 117/2007.

The grievance of the applicant is that he had moved a complaint under Section 294, 506B, 323 and 427 of I.P.C. and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes

XI-HC-22

(34)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cr.M.P. No. 232/2007 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

(Prevention of Atrocities) Act, however, learned Magistrate registered the case for offence punishable under Sections 294, 506B, 323 and 427 of Indian Penal Code but no offence under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been registered on the ground that the complainant has not clearly stated that as to which caste the accused persons belong. However, affirming the above order, the learned Additional Sessions Judge by the impugned order has rejected the revision with an observation that there is no evidence that the alleged offence was committed by the accused persons abusing the complainant on account of their caste and both the findings are contradictory interse. Both the Courts below recorded a finding that the ingredients of offence punishable under Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are not available in the complaint which is finding of fact based on the material available before the Courts below.

The revision being devoid of substances is liable to be dismissed and it is dismissed at admission stage.

Sd/-
Dhirendra Mishra
Judge

P/C

[पीछे देखिये